



General Assembly

January Session, 2009

Raised Bill No. 6399

LCO No. 2840

02840_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING CHILD PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-129 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (b) If it appears from the specific allegations of the petition and
5 other verified affirmations of fact accompanying the petition and
6 application, or subsequent thereto, that there is reasonable cause to
7 believe that (1) the child or youth is suffering from serious physical
8 illness or serious physical injury or is in immediate physical danger
9 from the child's or youth's surroundings, and (2) that as a result of said
10 conditions, the child's or youth's safety is endangered and immediate
11 removal from such surroundings is necessary to ensure the child's or
12 youth's safety, the court shall either (A) issue an order to the parents or
13 other person having responsibility for the care of the child or youth to
14 appear at such time as the court may designate to determine whether
15 the court should vest in some suitable agency or person the child's or
16 youth's temporary care and custody pending disposition of the

17 petition, or (B) issue an order ex parte vesting in some suitable agency
18 or person the child's or youth's temporary care and custody. A
19 preliminary hearing on any ex parte custody order or order to appear
20 issued by the court shall be held not later than ten days after the
21 issuance of such order. The service of such orders may be made by any
22 officer authorized by law to serve process, or by any probation officer
23 appointed in accordance with section 46b-123, investigator from the
24 Department of Administrative Services, state or local police officer or
25 indifferent person. Such orders shall include a conspicuous notice to
26 the respondent written in clear and simple language containing at least
27 the following information: (i) That the order contains allegations that
28 conditions in the home have endangered the safety and welfare of the
29 child or youth; (ii) that a hearing will be held on the date on the form;
30 (iii) that the hearing is the opportunity to present the parents' position
31 concerning the alleged facts; (iv) that an attorney will be appointed for
32 parents who cannot afford an attorney; (v) that such parents may
33 apply for a court-appointed attorney by going in person to the court
34 address on the form and are advised to go as soon as possible in order
35 for the attorney to prepare for the hearing; and (vi) if such parents
36 have any questions concerning the case or appointment of counsel, any
37 such parent is advised to go to the court or call the clerk's office at the
38 court as soon as possible. Upon application for appointed counsel, the
39 court shall promptly determine eligibility and, if the respondent is
40 eligible, promptly appoint counsel. The expense for any temporary
41 care and custody shall be paid by the town in which such child or
42 youth is at the time residing, and such town shall be reimbursed for
43 such expense by the town found liable for the child's or youth's
44 support, except that where a state agency has filed a petition pursuant
45 to the provisions of subsection (a) of this section, the agency shall pay
46 such expense. The agency shall give primary consideration to placing
47 the child or youth in the town where such child or youth resides. The
48 agency shall file in writing with the clerk of the court the reasons for
49 placing the child or youth in a particular placement outside the town
50 where the child or youth resides. Upon issuance of an ex parte order,

51 the court shall provide to the commissioner and the parent or guardian
 52 specific steps necessary for each to take to address the ex parte order
 53 for the parent or guardian to retain or regain custody of the child or
 54 youth and if custody is vested in the Department of Children and
 55 Families, authorize the commissioner or the commissioner's designee
 56 to provide the child with all necessary care, including medical care,
 57 which may include an examination by a physician or mental health
 58 professional with or without the consent of the child's parent, guardian
 59 or other person responsible for the child's care. Upon the issuance of
 60 such order, or not later than sixty days after the issuance of such order,
 61 the court shall make a determination whether the Department of
 62 Children and Families made reasonable efforts to keep the child or
 63 youth with his or her parents or guardian prior to the issuance of such
 64 order and, if such efforts were not made, whether such reasonable
 65 efforts were not possible, taking into consideration the child's or
 66 youth's best interests, including the child's or youth's health and safety.

67 Sec. 2. Subsection (j) of section 46b-129 of the general statutes is
 68 repealed and the following is substituted in lieu thereof (*Effective*
 69 *October 1, 2009*):

70 (j) Upon finding and adjudging that any child or youth is uncared-
 71 for, neglected or dependent, the court may commit such child or youth
 72 to the Commissioner of Children and Families. Such commitment shall
 73 remain in effect until further order of the court, except that such
 74 commitment may be revoked or parental rights terminated at any time
 75 by the court, or the court may vest such child's or youth's care and
 76 personal custody in any private or public agency that is permitted by
 77 law to care for neglected, uncared-for or dependent children or youths
 78 or with any person or persons found to be suitable and worthy of such
 79 responsibility by the court. The court shall order specific steps that the
 80 parent must take to facilitate the return of the child or youth to the
 81 custody of such parent. The commissioner shall be the guardian of
 82 such child or youth for the duration of the commitment, provided the
 83 child or youth has not reached the age of eighteen years [or, in the case

84 of a child or youth in full-time attendance in a secondary school, a
85 technical school, a college or a state-accredited job training program,
86 provided such child or youth has not reached the age of twenty-one
87 years, by consent of such youth,] or until another guardian has been
88 legally appointed, and in like manner, upon such vesting of the care of
89 such child or youth, such other public or private agency or individual
90 shall be the guardian of such child or youth until such child or youth
91 has reached the age of eighteen years [or, in the case of a child or youth
92 in full-time attendance in a secondary school, a technical school, a
93 college or a state-accredited job training program, until such child or
94 youth has reached the age of twenty-one years] or until another
95 guardian has been legally appointed. Any youth who has reached the
96 age of eighteen years but has not reached the age of twenty-two years
97 and who is in full-time attendance in a secondary school, a technical
98 school, a college or a state-accredited job training program may
99 continue to remain voluntarily under the supervision of the
100 commissioner, pursuant to section 17a-11. The commissioner may
101 place any child or youth so committed to the commissioner in a
102 suitable foster home or in the home of a person related by blood to
103 such child or youth or in a licensed child-caring institution or in the
104 care and custody of any accredited, licensed or approved child-caring
105 agency, within or without the state, provided a child shall not be
106 placed outside the state except for good cause and unless the parents
107 or guardian of such child are notified in advance of such placement
108 and given an opportunity to be heard, or in a receiving home
109 maintained and operated by the Commissioner of Children and
110 Families. In placing such child or youth, the commissioner shall, if
111 possible, select a home, agency, institution or person of like religious
112 faith to that of a parent of such child or youth, if such faith is known or
113 may be ascertained by reasonable inquiry, provided such home
114 conforms to the standards of said commissioner and the commissioner
115 shall, when placing siblings, if possible, place such children together.
116 As an alternative to commitment, the court may place the child or
117 youth in the custody of the parent or guardian with protective

118 supervision by the Commissioner of Children and Families subject to
119 conditions established by the court. Upon the issuance of an order
120 committing the child or youth to the Commissioner of Children and
121 Families, or not later than sixty days after the issuance of such order,
122 the court shall determine whether the Department of Children and
123 Families made reasonable efforts to keep the child or youth with his or
124 her parents or guardian prior to the issuance of such order and, if such
125 efforts were not made, whether such reasonable efforts were not
126 possible, taking into consideration the child's or youth's best interests,
127 including the child's or youth's health and safety.

128 Sec. 3. Subdivision (1) of subsection (k) of section 46b-129 of the
129 general statutes is repealed and the following is substituted in lieu
130 thereof (*Effective October 1, 2009*):

131 (k) (1) Nine months after placement of the child or youth in the care
132 and custody of the commissioner pursuant to a voluntary placement
133 agreement, or removal of a child or youth pursuant to section 17a-101g
134 or an order issued by a court of competent jurisdiction, whichever is
135 earlier, the commissioner shall file a motion for review of a
136 permanency plan. Nine months after a permanency plan has been
137 approved by the court pursuant to this subsection, the commissioner
138 shall file a motion for review of the permanency plan. Any party
139 seeking to oppose the commissioner's permanency plan shall file a
140 motion in opposition not later than thirty days after the filing of the
141 commissioner's motion for review of the permanency plan, which
142 motion shall include the reason therefor. A permanency hearing on
143 any motion for review of the permanency plan shall be held not later
144 than ninety days after the filing of such motion. The court shall hold
145 evidentiary hearings in connection with any contested motion for
146 review of the permanency plan. The commissioner shall have the
147 burden of proving that the proposed permanency plan is in the best
148 interests of the child or youth. After the initial permanency hearing,
149 subsequent permanency hearings shall be held not less frequently than
150 every twelve months while the child or youth remains in the custody

151 of the Commissioner of Children and Families. The court shall provide
 152 notice to the child or youth, and the parent or guardian of such child or
 153 youth of the time and place of the court hearing on any such motion
 154 not less than fourteen days prior to such hearing. In addition to the
 155 review required by this subdivision, if (A) a child is under the age of
 156 six years and in the care and custody of the commissioner, and (B) the
 157 permanency plan for such child is reunification with the parent, the
 158 court shall review, not later than six months after each permanency
 159 hearing, the parent's progress in regaining custody of such child and
 160 may revise the specific steps in such permanency plan for the parent
 161 and the commissioner.

162 Sec. 4. Section 45a-623 of the general statutes is repealed and the
 163 following is substituted in lieu thereof (*Effective October 1, 2009*):

164 In any proceeding under sections 45a-603 to 45a-622, inclusive, that
 165 is contested, the Court of Probate shall, (1) upon motion of any party
 166 other than a party who made application for the removal of a parent as
 167 a guardian, under rules adopted by the judges of the Supreme Court;
 168 (2) upon the issuance of an order vesting custody of such child or
 169 youth to the Commissioner of Children and Families; or (3) upon
 170 finding by the court that a case involving the custody of the child or
 171 youth is pending in the Superior Court, transfer the case to the
 172 Superior Court. In addition to the provisions of this section, the Court
 173 of Probate may, on the court's own motion or that of any interested
 174 party, transfer any proceeding under sections 45a-603 to 45a-622,
 175 inclusive, to another judge of probate, which judge shall be appointed
 176 by the Probate Court Administrator from a panel of qualified probate
 177 judges who specialize in children's matters. Such panel shall be
 178 proposed by the Probate Court Administrator and approved by the
 179 executive committee of the Connecticut Probate Assembly. If the case
 180 is transferred and venue altered, the clerk of the Court of Probate shall
 181 transmit to the clerk of the Superior Court, or the probate court to
 182 which the case was transferred, the original files and papers in the
 183 case.

184 Sec. 5. Subsection (f) of section 17a-28 of the general statutes is
185 repealed and the following is substituted in lieu thereof (*Effective*
186 *October 1, 2009*):

187 (f) The commissioner or the commissioner's designee shall, upon
188 request, promptly provide copies of records, without the consent of a
189 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
190 or the Chief State's Attorney's designee, or a state's attorney for the
191 judicial district in which the child resides or in which the alleged abuse
192 or neglect occurred, or the state's attorney's designee, for purposes of
193 investigating or prosecuting an allegation of child abuse or neglect, (3)
194 the attorney appointed to represent a child in any court in litigation
195 affecting the best interests of the child, (4) a guardian ad litem
196 appointed to represent a child in any court in litigation affecting the
197 best interests of the child, (5) the Department of Public Health, which
198 licenses any person to care for children for the purposes of
199 determining suitability of such person for licensure, subject to the
200 provisions of sections 17a-101g and 17a-101k, (6) any state agency
201 which licenses such person to educate or care for children pursuant to
202 section 10-145b or 17a-101j, subject to the provisions of sections 17a-
203 101g and 17a-101k concerning nondisclosure of findings of
204 responsibility for abuse and neglect, (7) the Governor, when requested
205 in writing, in the course of the Governor's official functions or the
206 Legislative Program Review and Investigations Committee, the joint
207 standing committee of the General Assembly having cognizance of
208 matters relating to the judiciary and the select committee of the
209 General Assembly having cognizance of matters relating to children
210 when requested in the course of said committees' official functions in
211 writing, and upon a majority vote of said committee, provided no
212 names or other identifying information shall be disclosed unless it is
213 essential to the legislative or gubernatorial purpose, (8) a local or
214 regional board of education, provided the records are limited to
215 educational records created or obtained by the state or Connecticut-
216 Unified School District #2, established pursuant to section 17a-37, (9) a
217 party, a judge or personnel in the Court Support Services Division of

218 the Judicial Department in a custody proceeding under section 17a-112
 219 or 46b-129, in the Superior Court where such records concern a child
 220 who is the subject of the proceeding or the parent of such child, (10)
 221 the Chief Child Protection Attorney, or his or her designee, for
 222 purposes of ensuring competent representation by the attorneys whom
 223 the Chief Child Protection Attorney contracts with to provide legal and
 224 guardian ad litem services to the subjects of such records and to ensure
 225 accurate payments for services rendered by such contract attorneys,
 226 and (11) the Department of Motor Vehicles, for purposes of checking
 227 the state's child abuse and neglect registry pursuant to subsection (e) of
 228 section 14-44. A disclosure under this section shall be made of any part
 229 of a record, whether or not created by the department, provided no
 230 confidential record of the Superior Court shall be disclosed other than
 231 the petition and any affidavits filed therewith in the superior court for
 232 juvenile matters, except upon an order of a judge of the Superior Court
 233 for good cause shown. The commissioner shall also disclose the name
 234 of any individual who cooperates with an investigation of a report of
 235 child abuse or neglect to such law enforcement agency or state's
 236 attorney for purposes of investigating or prosecuting an allegation of
 237 child abuse or neglect. The commissioner or the commissioner's
 238 designee shall, upon request, subject to the provisions of sections 17a-
 239 101g and 17a-101k, promptly provide copies of records, without the
 240 consent of the person, to (A) the Department of Public Health for the
 241 purpose of determining the suitability of a person to care for children
 242 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
 243 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
 244 Services for determining the suitability of a person for any payment
 245 from the department for providing child care.

246 Sec. 6. (NEW) (*Effective October 1, 2009*) A substance abuse treatment
 247 provider, upon service of a subpoena issued by a competent authority
 248 regarding a child committed to the care and custody of the
 249 Commissioner of Children and Families directing the production of
 250 records in connection with any court proceedings, shall deliver such
 251 original record or a copy of the record to the clerk of the court. The

252 clerk shall give the provider a receipt for delivery of the record, shall
 253 be responsible for the safekeeping of the record and shall not permit
 254 the record to be removed from the court. The court clerk shall notify
 255 the provider that the record may be returned to the provider when no
 256 longer needed by the court. Any such record delivered by the provider
 257 to the court clerk shall be placed in a sealed envelope that indicates the
 258 name of the child, the name of the attorney subpoenaing the record
 259 and the case name referred to in the subpoena. No such record shall be
 260 open to inspection by any person except upon the order of a judge of
 261 the court concerned, and any such record shall at all times be subject to
 262 the order of such judge. The record, or any part of the record, if not
 263 otherwise inadmissible, shall be admitted in evidence without any
 264 preliminary testimony if there is, attached to the record, a certification
 265 in affidavit form of the person in charge of keeping the provider's
 266 records stating that the record is the original record or a copy of the
 267 record, made in the regular course of the business of the provider, and
 268 that it was the regular course of such business to make such record at
 269 the time of the transactions, occurrences or events recorded therein or
 270 within a reasonable time thereafter.

271 Sec. 7. Section 45a-727 of the general statutes is repealed and the
 272 following is substituted in lieu thereof (*Effective October 1, 2009*):

273 (a) (1) Each adoption matter shall be instituted by filing an
 274 application in a Court of Probate or the Superior Court that issued a
 275 termination of parental rights regarding the child, together with the
 276 written agreement of adoption, in duplicate. One of the duplicates
 277 shall be sent immediately to the Commissioner of Children and
 278 Families.

279 (2) The application shall incorporate a declaration that to the best of
 280 the knowledge and belief of the declarant there is no other proceeding
 281 pending or contemplated in any other court affecting the custody of
 282 the child to be adopted, or if there is such a proceeding, a statement in
 283 detail of the nature of the proceeding and affirming that the proposed

284 adoption would not conflict with or interfere with the other
285 proceeding. The court shall not proceed on any application which does
286 not contain such a declaration. The application shall be signed by one
287 or more of the parties to the agreement, who may waive notice of any
288 hearing on it. For the purposes of this declaration, visitation rights
289 granted by any court shall not be considered as affecting the custody of
290 the child.

291 (3) An application for the adoption of a minor child not related to
292 the adopting parents shall not be accepted by the Court of Probate or
293 the Superior Court that issued a termination of parental rights
294 regarding the child unless (A) the child sought to be adopted has been
295 placed for adoption by the Commissioner of Children and Families or
296 a child-placing agency, and the placement for adoption has been
297 approved by the commissioner or a child-placing agency; (B) the
298 placement requirements of this section have been waived by the
299 Adoption Review Board as provided in section 45a-764; (C) the
300 application is for adoption of a minor child by a stepparent as
301 provided in section 45a-733; or (D) the application is for adoption of a
302 child by another person who shares parental responsibility for the
303 child with the parent as provided in subdivision (3) of subsection (a) of
304 section 45a-724. The commissioner or a child-placing agency may place
305 a child in adoption who has been identified or located by a prospective
306 parent, provided any such placement shall be made in accordance with
307 regulations promulgated by the commissioner pursuant to section
308 45a-728. If any such placement is not made in accordance with such
309 regulations, the adoption application shall not be approved by the
310 Court of Probate.

311 (4) The application and the agreement of adoption shall be filed in
312 the Court of Probate for the district where the adopting parent resides
313 or in the district where the main office or any local office of the
314 statutory parent is located or in the Superior Court that issued a
315 termination of parental rights regarding the child.

316 (5) The provisions of section 17a-152, regarding placement of a child
317 from another state, and section 17a-175, regarding the interstate
318 compact on the placement of children, shall apply to adoption
319 placements.

320 (b) (1) The Court of Probate or the Superior Court that issued a
321 termination of parental rights regarding the child shall request the
322 commissioner or a child-placing agency to make an investigation and
323 written report to it, in duplicate, within sixty days from the receipt of
324 such request. A duplicate of the report shall be sent immediately to the
325 Commissioner of Children and Families.

326 (2) The report shall be filed with the Court of Probate or the
327 Superior Court that issued a termination of parental rights regarding
328 the child within the sixty-day period. The report shall indicate the
329 physical and mental status of the child and shall also contain such facts
330 as may be relevant to determine whether the proposed adoption will
331 be in the best interests of the child, including the physical, mental,
332 genetic and educational history of the child and the physical, mental,
333 social and financial condition of the parties to the agreement and the
334 biological parents of the child, if known, and whether the best interests
335 of the child would be served in accordance with the criteria set forth in
336 section 45a-727a. The report shall include a history of physical, sexual
337 or emotional abuse suffered by the child, if any. The report may set
338 forth conclusions as to whether or not the proposed adoption will be in
339 the best interests of the child.

340 (3) The physical, mental and genetic history of the child shall
341 include information about: (A) The child's health status at the time of
342 placement; (B) the child's birth, neonatal, and other medical,
343 psychological, psychiatric, and dental history information; (C) a record
344 of immunizations for the child; and (D) the available results of
345 medical, psychological, psychiatric and dental examinations of the
346 child. The report shall include information, to the extent known, about
347 past and existing relationships between the child and the child's

348 siblings, biological parents, extended family, and other persons who
349 have had physical possession of or legal access to the child. The
350 educational history of the child shall include, to the extent known,
351 information about the enrollment and performance of the child in
352 educational institutions, results of educational testing and
353 standardized tests for the child, and special educational needs, if any,
354 of the child.

355 (4) The adoptive parents are entitled to receive copies of the records
356 and other information relating to the history of the child maintained by
357 the commissioner or child-placing agency. The adoptive parents are
358 entitled to receive copies of the records, provided if required by law,
359 the copies have been edited to protect the identity of the biological
360 parents and any other person whose identity is confidential and other
361 identifying information relating to the history of the child. It is the
362 duty of the person placing the child for adoption to edit, to the extent
363 required by law, the records and information to protect the identity of
364 the biological parents and any other person whose identity is
365 confidential.

366 (5) The report shall be admissible in evidence subject to the right of
367 any interested party to require that the person making it appear as a
368 witness, if available, and such person shall be subject to examination.

369 (6) For any report under this section the Court of Probate or the
370 Superior Court that issued a termination of parental rights regarding
371 the child may assess against the adopting parent or parents a
372 reasonable fee covering the cost and expenses of making the
373 investigation. The fee shall be paid to the state or to the child-placing
374 agency making the investigation and report, provided the report shall
375 be made within the sixty-day period or other time set by the court.

376 (c) (1) Upon the expiration of the sixty-day period or upon the
377 receipt of such report, whichever is first, the Court of Probate or the
378 Superior Court that issued a termination of parental rights regarding
379 the child shall set a day for a hearing upon the agreement and shall

380 give reasonable notice of the hearing to the parties to the agreement,
381 the child-placing agency if such agency is involved in the adoption, the
382 Commissioner of Children and Families and the child, if over twelve
383 years of age.

384 (2) At the hearing the court may deny the application, enter a final
385 decree approving the adoption if it is satisfied that the adoption is in
386 the best interests of the child or order a further investigation and
387 written report to be filed, in duplicate, within whatever period of time
388 it directs. A duplicate of such report shall be sent to the commissioner.
389 The court may adjourn the hearing to a day after that fixed for filing
390 the report. If such report has not been filed with the court within the
391 specified time, the court may thereupon deny the application or enter a
392 final decree in the manner provided in this section.

393 (3) The Court of Probate or the Superior Court that issued a
394 termination of parental rights regarding the child shall not disapprove
395 any adoption under this section solely because of an adopting parent's
396 marital status or because of a difference in race, color or religion
397 between a prospective adopting parent and the child to be adopted or
398 because the adoption may be subsidized in accordance with the
399 provisions of section 17a-117.

400 (4) The Court of Probate or the Superior Court that issued a
401 termination of parental rights regarding the child shall ascertain as far
402 as possible the date and the place of birth of the child and shall
403 incorporate such facts in the final decree, a copy of which shall be sent
404 to the Commissioner of Children and Families.

405 Sec. 8. Subsection (j) of section 17a-112 of the general statutes is
406 repealed and the following is substituted in lieu thereof (*Effective*
407 *October 1, 2009*):

408 (j) The Superior Court, upon notice and hearing as provided in
409 sections 45a-716 and 45a-717, may grant a petition filed pursuant to
410 this section if it finds by clear and convincing evidence that (1) the

411 Department of Children and Families has made reasonable efforts to
412 locate the parent and to reunify the child with the parent in accordance
413 with subsection (a) of section 17a-111b, unless the court finds in this
414 proceeding that the parent is unable or unwilling to benefit from
415 reunification efforts, except that such finding is not required if the
416 court has determined at a hearing pursuant to section 17a-111b, or
417 determines at trial on the petition, that such efforts are not required, (2)
418 termination is in the best interest of the child, and (3) (A) the child has
419 been abandoned by the parent in the sense that the parent has failed to
420 maintain a reasonable degree of interest, concern or responsibility as to
421 the welfare of the child; (B) the child (i) has been found by the Superior
422 Court or the Probate Court to have been neglected or uncared for in a
423 prior proceeding, or (ii) is found to be neglected or uncared for and has
424 been in the custody of the commissioner for at least fifteen months and
425 the parent of such child has been provided specific steps to take to
426 facilitate the return of the child to the parent pursuant to section
427 46b-129 and has failed to achieve such degree of personal
428 rehabilitation as would encourage the belief that within a reasonable
429 time, considering the age and needs of the child, such parent could
430 assume a responsible position in the life of the child; (C) the child has
431 been denied, by reason of an act or acts of parental commission or
432 omission including, but not limited to, sexual molestation or
433 exploitation, severe physical abuse or a pattern of abuse, the care,
434 guidance or control necessary for the child's physical, educational,
435 moral or emotional well-being, except that nonaccidental or
436 inadequately explained serious physical injury to a child shall
437 constitute prima facie evidence of acts of parental commission or
438 omission sufficient for the termination of parental rights; (D) there is
439 no ongoing parent-child relationship, which means the relationship
440 that ordinarily develops as a result of a parent having met on a day-to-
441 day basis the physical, emotional, moral and educational needs of the
442 child and to allow further time for the establishment or
443 reestablishment of such parent-child relationship would be
444 detrimental to the best interest of the child; (E) the parent of a child

445 under the age of seven years who is neglected or uncared for, has
 446 failed, is unable or is unwilling to achieve such degree of personal
 447 rehabilitation as would encourage the belief that within a reasonable
 448 period of time, considering the age and needs of the child, such parent
 449 could assume a responsible position in the life of the child and such
 450 parent's parental rights of another child were previously terminated
 451 pursuant to a petition filed by the Commissioner of Children and
 452 Families; (F) the parent has killed through deliberate, nonaccidental act
 453 another child of the parent or has requested, commanded, importuned,
 454 attempted, conspired or solicited such killing or has committed an
 455 assault, through deliberate, nonaccidental act that resulted in serious
 456 bodily injury of another child of the parent or a child in the custody of
 457 such parent; or (G) the parent was convicted as an adult or a
 458 delinquent by a court of competent jurisdiction of a sexual assault
 459 resulting in the conception of the child, except a conviction for a
 460 violation of section 53a-71 or 53a-73a, provided the court may
 461 terminate such parent's parental rights to such child at any time after
 462 such conviction.

463 Sec. 9. Section 54-86l of the general statutes is repealed and the
 464 following is substituted in lieu thereof (*Effective October 1, 2009*):

465 (a) Notwithstanding any other rule of evidence or provision of law,
 466 a statement by a child under thirteen years of age relating to a sexual
 467 offense committed against that child, or an offense involving physical
 468 abuse committed against that child by a person or persons who had
 469 authority or apparent authority over the child, shall be admissible in a
 470 criminal or juvenile delinquency proceeding if: (1) The court finds, in a
 471 hearing conducted outside the presence of the jury, if any, that the
 472 circumstances of the statement, including its timing and content,
 473 provide particularized guarantees of its trustworthiness, (2) the
 474 statement was not made in preparation for a legal proceeding, (3) the
 475 proponent of the statement makes known to the adverse party an
 476 intention to offer the statement and the particulars of the statement
 477 including the content of the statement, the approximate time, date and

478 location of the statement, the person to whom the statement was made
 479 and the circumstances surrounding the statement that indicate its
 480 trustworthiness, at such time as to provide the adverse party with a
 481 fair opportunity to prepare to meet it, and (4) either (A) the child
 482 testifies and is subject to cross-examination at the proceeding, or (B)
 483 the child is unavailable as a witness and (i) there is independent
 484 nontestimonial corroborative evidence of the alleged act, and (ii) the
 485 statement was made prior to the defendant's arrest or institution of
 486 juvenile proceedings in connection with the act described in the
 487 statement.

488 (b) Nothing in this section shall be construed to (1) prevent the
 489 admission of any statement under another hearsay exception, (2) allow
 490 broader definitions in other hearsay exceptions for statements made by
 491 children under thirteen years of age at the time of the statement
 492 concerning any alleged act described in subsection (a) of this section
 493 than is done for other declarants, or (3) allow the admission pursuant
 494 to the residual hearsay exception of a statement described in
 495 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	46b-129(b)
Sec. 2	<i>October 1, 2009</i>	46b-129(j)
Sec. 3	<i>October 1, 2009</i>	46b-129(k)(1)
Sec. 4	<i>October 1, 2009</i>	45a-623
Sec. 5	<i>October 1, 2009</i>	17a-28(f)
Sec. 6	<i>October 1, 2009</i>	New section
Sec. 7	<i>October 1, 2009</i>	45a-727
Sec. 8	<i>October 1, 2009</i>	17a-112(j)
Sec. 9	<i>October 1, 2009</i>	54-86l

Statement of Purpose:

To clarify child protection laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]